

PLATFORM "FORTRESS EUROPE?"

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EUROPEAN HARMONIZATION

BERLIN CONFERENCE ON MIGRATION: PUSHING FORWARD THE BOUNDARIES OF "FORTRESS EUROPE"

In October 91, Interior and Justice ministers of 20 European countries met in Berlin. The only issue on the agenda of this meeting initiated by the German Interior Minister Schaueble was "the illegal entries from Eastern Europe". The main aim of the conference: to bring the Eastern and South Eastern European countries outside the walls of the "fortress" to participate in its construction.

Among the most spectacular proposal originated from the meeting is the creation of special European police units to combat illegal immigration into Western European countries on the territory of the Eastern European "backyard" states. In short, an extraterritorially operating police force. The Baltic states, Belorussia and the Ukraine participated at the meeting, while Russia abstained.

Minister Schäuble declared at the end of the conference that all participating states had understood that "uncontrolled migration" meant a threat for the internal stability of each European state. In view of the composition of the round-table (interior and Justice ministers) it is not surprising that the conference proved creative imagination in a single domain only: How to enforce a more efficient police repression.

The participating states agreed on a common tactical concept for combatting smuggling rings, among other things by intensifying information exchange through the creation of the conditions for the computerized exchange of personal data. Some Eastern European countries were "encouraged" to change their legislation, as smuggling of migrants by international gangs is not yet punishable there.

The ministers also intend to unify the modalities of bordercontrols and to approach visapolicies. Moreover they press for the conclusion of bilateral agreements for the readmittance of persons denied residence in a (Western) European country by the (Eastern) European country of transit or origin.

Eastern European countries like e.g. Poland and Romania should benefit from economical, technical and... manpower aid by Western countries in their task to protect the eastern borders of Western Europe from undesired immigrants. Austria's Interior Minister Löschnak proposed the creation of a European police unit that would operate on the territory of Eastern European buffer states. (German police in "European" uniforms patrolling Hungary's or Poland's borders - a nightmarish vision soon to become true?).

At the occasion of the meeting an agreement concluded in Mars 91 between Poland and the Schengen states was cited as a positive example for future collaboration. The treaty engages Poland to take back all persons which have illegally entered a Schengen country from its own territory.

One can easily imagine that such forms of cooperation by poor Eastern and South Eastern European countries can not have resulted from friendly words of their Western counterparts alone. Transeuropean police collaboration with regard to migrants and refugees will more and more become a matter of heavy bargaining in the spirit of: We will grant you economical aid if you prevent your migrants from crossing our borders (carot) or: If you don't let us help you prevent migrants from transiting your country, we will impose economical sanctions (baton).

sources: "Die Tageszeitung" (Germany), 1.11.91, "Neue Zürcher Zeitung", 2.11.91

EUROPEAN COUNCIL IN MAASTRICHT:

TIGHTENING THE WALLS: HARMONIZATION OF IMMIGRATION AND ASYLUM POLICIES IN THE WAKE OF POLITICAL UNION

Legal immigration into the EC Countries will become evermore difficult for third country citizens, due to common restrictive visa requirements, to the elaboration of conventions on the readmission of undesired migrants by transit states or by their home countries and the obligation for each EC Member State to give priority to EC nationals on the labor market. The right of asylum risks to be further undermined by a common reinterpretation of the fundamental rules stated in the Geneva Convention.

The guiding rules for these policies can be found in the reports prepared by the Ad Hoc Group Immigration and by the immigration ministers for the Maastricht conference of the European Council. The institutional framework for the implementation of these policies is presented under the rubric "Cooperation in the spheres of justice and home affairs" of the draft treaty on European Union as agreed upon in Maastricht on December 9 and 10, 91. The final version of the treaty is to be signed in February.

The immigration ministers and the Ad Hoc group press for accelerated harmonization with regard to the fundamental legal grounds of migration and asylum policies. The harmonization of procedures is perceived as less urgent (It is not so important, how the procedure is carried out as long as the result is the same in each EC-country).

The two reports mainly concentrate on listing up possible criteria for the harmonization of restrictive and summary procedures:

Notorious transit and emigration countries shall be pressed to take back irregular migrants and even refugees.

The reports demand for common obligatory criteria to be agreed upon for the definition of the growing number of inaccurate terms which distinguish modern asylum law vocabulary: e.g. "obviously unfounded", "safe country", "first country".

But the attempts in the reports - laudable as such - to define possible objective criteria for the applicability of these terms, only add to the reigning juridical insecurity (e.g. the passage trying to interpret false identity as a criterion for an obviously unfounded application).

The reports also call for the creation of similar conditions of reception of asylum seekers in all EC states. Inter alia the ministers deplore that asylum seekers in certain countries have greater freedom of movement or benefit from more social assistance than in others which makes these countries more attractive for refugees.

The author groups remark that in some countries even illegal immigrants benefit from certain forms of social assistance.

Rejected asylum seekers in various EC member states manage to escape deportation by obtaining some other form of residence permit or by simply staying illegally.

Some countries have in the past tended to regularize sometimes large groups of clandestines by amnesty provisions. In the view expressed in the reports such measures hinder an efficient implementation of a common policy against illegal immigration, weaken the credibility of the EC's immigration and asylum policy and sap mutual confidence of the EC member states with regard to carrying out a immigration policy serving the common interests of the Community.

It is quite obvious that this view will lead to a more vigorous repression against illegal migrants (including rejected asylum seekers).

The Austrian example shows which effects these guiding rules already have in the domain of asylum legislation (see article in this circular: Austria: New restrictive law threatens right of asylum).

Once again it is called for stronger punitive action against smuggler rings and airlines transporting ill-documented passengers. In contrast, no concrete proposals are made with regard to such action against employers recruiting illegal work force

In the view of the ministers and the Ad Hoc group, labor market policies should no longer be defined on a national level. The principal of "preference for the Community" must be implemented, i.e. the employers must be obliged to recruit EC-workforce. Recruiting in third countries should be authorized only when EC-workforce is not available. Increased mobility of the EC workforce will result in a decreasing demand for workforce from third countries.

Thus, the door for legal immigration from non European countries is practically shut.

Quite logically the reports conclude that such policies will lead to a rise of illegal immigration which can only be contained by "a strict control both on the borders and inside the member states". In this context the Ad hoc group asks the good question, "to which extent it is possible to efficiently counter illegal immigration without violating the democratic principles of the member states of the EC."

The European Council of Maastricht has expressed its general approval for the policy guidelines developed in the two reports.

Yet the "provisions on co-operation in the spheres of justice and home affairs" in the Treaty on the Union indicate that the policy of harmonization in the spheres of immigration, asylum, justice, police and internal security will further remain a domain reserved for inter-governmental cooperation. Community law and Community institutions are further kept out of the game - in spite of repeated and insistent appeals by the European Parliament, to give it more legislative power and to strengthen the Communities institutional role.

Thus it would be wishful thinking to hope for more institutional clearness, for transparency and improved democratic control in the spirit of checks and balances. Impenetrable inter-governmental "working groups" of the kind of TREVI and others will further have a leading role in building European unity.

A common policy under Community legislation is provided for only with regard to visas (entries of short duration). In order to determine the third countries whose nationals will have to apply for an EC-visa, the Council of Ministers must vote unanimously. A proposal in the Union Treaty's draft text to transfer competence over the general conditions governing the legal entry to and the movement within the EC territory was rejected, as well as a Belgian proposal, supported by Germany, Italy and Spain, to enable Community action against "abuses" of the right of asylum.

It is true that the possibility of a transfer of further domains of cooperation named in the provisions on justice and home affairs from intergovernmental agreements (as e.g. the Schengen-Agreement or the Dublin Convention) to Community legislation is provided for in the Union Treaty. But each such transfer would require a unanimous decision by the Council.

To sum up what appears to be the main results of Maastricht:

A quite general agreement seems to reign among the governments of the EC member states with regard to developing together an evermore restrictive immigration and asylum policy and to extending police control and power (see article on Europol). But they obviously prefer to pursue this policy in the framework which has proved effective in the past: intergovernmental secrecy rather than constitutional democracy.

Nicholas Busch

sources: Rapport des Ministres de l'Immigration au Conseil européen de Maastricht sur la politique de l'immigration et d'asile, Bruxelles, 3.12.91, SN 4038/91 WGI 930; Commission des Communautés européennes, secrétariat général: Conseil Européen de Maastricht, les 9 et 10 décembre 1991 - conclusions de la présidence, Bruxelles, 10.12.91 SI(91) 910; Projet de Traité sur l'Union (présenté par la présidence néerlandaise des instances ministérielles de la Communauté); Groupe ad hoc Immigration: Contribution du sous-groupe "Asile" du groupe ad hoc "Immigration" au rapport à présenter au Conseil européen des 9 et 10 décembre 1991, Bruxelles 5 nov. 91, SN 3775/91 WGI 897 AS 96; "Migration News Sheet", Brussels, Jan 1992, No. 106/92-01; "Le Monde", 7/11/12.12.91.

THE BIRTH OF "EUROPOL"

A European police intelligence agency - provisionally known as Europol - is to be set up as a result of the Maastricht Union Treaty. The creation of the new body is proposed in the treaty document under the "Justice and Home affairs" articles, which attempt to provide a policy for security issues created by open borders.

The first phase will be the establishment of a European Drugs Intelligence Unit to start operations by the beginning of 1993.

The proposed body ultimately will gather and analyse information on cross-border crime, including offenses committed outside the EC.

Some observers have interpreted the proposal as a snub to Interpol, which has been described in the past as little more than a message switching organization.

Europol is expected to act as a reference point for all officers investigating serious international crime but will have no operational role, according to the agencies involved. It will be a unit of cooperation between police services of all 12 EC Member States.

The first targets of Europol will be drug smuggling and money laundering but its range of action will be steadily expanded to include other types of organized crime.

Some officials involved already call for a speedier judicial harmonization among the 12 as a precondition for Europol's efficiency.

There is strong competition with regard to the site of the new police unit.

Germany has proposed Wiesbaden, Italy offers Rome and France advocates Europol's "peaceful coexistence" with the "rival" Interpol in Lyon.

sources: "Police Review", 13.12.91; Treaty on the Union: Cooperation in the spheres of Justice and Home affairs

AUSTRIA

NEW, RESTRICTIVE LAW THREATENS RIGHT OF ASYLUM

On December 4, 1991, the Austrian parliament voted a new asylum law. The law drastically reduces the rights of asylum seekers. The parliament ignored grave objections by the Foreign ministry, the Constitution's Monitoring Board (Verfassungsdienst), the UNHCR, Amnesty International and Austrian NGO's dealing with refugee matters.

The new law will come into force on July 1, 1992.

It contains a series of provisions which outrightly violate the Geneva Convention on Refugees or lack precision to such an extent that they next to call for arbitrary interpretation by the asylum authorities in charge of the procedure.

In contrast, the rare provisions in favor of the asylum seekers are often not embodied in the text of the law, but mentioned only in "explanatory comments".

The right of an asylum seeker to enter the country and await a decision on his application there, is all but undermined by

6 and

28.

6 stipulates: "Entry shall be permitted (...) informally to an asylum seeker, if he comes directly from the state from which he alleges to fear persecution".

What happens, when he has not come "directly"? Nothing precise about this most probable situation is stated in the law. So we may guess that the answer of the border police will be, to refuse him entry.

28(1) lays down that an "obviously unfounded" asylum application will be rejected immediately after the first police interview and without further procedure. A complaint against such a decision is theoretically possible. But it must be filed within 2 days(!) (formerly 2 weeks) and will not have suspensive effect on a deportation order.

According to

28(3) "an asylum application shall be considered as obviously unfounded, when 1. the asylum seeker is unable to make credible his identity and particularly his nationality (...)" and when 2. "the asylum seeker is citizen of a state (...) of which it can be assumed that there does not **ordinarily** exist any founded threat of persecution".

The term "obviously unfounded" as a such, introduced for the first time in German asylum legislation in the early eighties constitutes a threat for the principal of fair procedure. This becomes all the more obvious in the new Austrian definition of the term "obviously unfounded".

To deny an asylum seeker a fair procedure inside the country on the mere ground that he is not able to make credible at once his identity and nationality is equivalent to undermining the right of asylum as such. For the lack of genuine identity documents must be considered as a characteristic precisely of genuine refugees.

The provision of

28(3.2) is an anticipation of the EC's project to introduce the term of "safe countries".

The Austrian definition shows that this is one more term that leaves the door wide open to arbitrary interpretation: The terms "assumed" and "ordinarily" allow a refugee to be sent back to his country of origin without having the chance to explain his case within a fair procedure, because some police officer "assumes" that "ordinarily" no persecution exists in this country.

The above-mentioned provisions introduce summary procedures which appear to be incompatible with the

requirements of article 31 of the Geneva Convention on Refugees.

The new law also provides that asylum seekers can be assigned to a place of residence which they may not leave without prior permission from the federal office of asylum and where they must be within call daily. This is a form of "soft" detention.

During the first six months asylum seekers are not allowed to work.

Asylum seekers whose application has been rejected are no longer allowed to apply for an other form of residence, e.g. as a guest worker, as possible according to the former law. "A person who wishes to immigrate into Austria, must file an application with the Austrian Embassy in her home country", says Mr. Pahr, the government official in charge of asylum.

Conclusions

The new Austrian asylum law constitutes a serious precedent in the ongoing dismantling of fundamental guarantees of the Geneva Convention on Refugees. It will have all the more catastrophic effects on a European level as Austria, in the era of the late chancellor Bruno Kreisky had become one of the strongholds of a humanitarian and independent asylum policy.

This important element of Austrian post war sovereignty has now been sacrificed to both pressure from inside and from outside the country, particularly the frightful rise of the racist "Freiheitliche Partei Oesterreichs" and its leader Jörg Haider on a domestic level, and the pressure for harmonization with "European" asylum policies in the wake of Austrias application for membership with the EC.

Nicholas Busch

sources: "Juridicum" (Publ. by Context, Bergsteigergasse 43/16, A-1170 Wien), No. 4/91, p.10: Michael Genner: Das neue Asylrecht; "Fluchtseiten" (Basle, Switzerl.), No. 18/91

SWEDEN

SWEDEN PROFITS BY IMMIGRATION, A SURVEY INDICATES

Immigration to Sweden decreased by 10'000 persons in 1991. 43'900 persons immigrated, while 15'000 left the country. This brings down net immigration to 28'900 persons.

The decrease in immigration from nordic countries by 8'000 is the main reason for this development, but the number of asylum seekers has decreased to 26'700 (compared with 30'300 in the record year 1989).

In 1991 the by far most important group of asylum seekers came from Yugoslavia (47%). The number of non European asylum seekers is constantly diminishing, with only Irakis and Somalians making up large groups. Speculations about a mass flight from the former Soviet Union are not confirmed by the figures. In 1991 1143 asylum seekers came from the USSR (1989: 580, 1990: 741).

45% of the asylum applications decided upon in 1991 were accepted by SIV, the Swedish immigration office.

Eleven of Sweden's 286 towns refuse to accomodate refugees. More common are complaints of towns which recieved a smaller number of refugees than "promised" by the government (Towns are granted important sums by the government for refugee assistance, which can make their accomodation to a profitable activity).

The recent policy of SIV to

place asylum seekers in large reception centers (often situated in sparsely populated areas, rather than in smaller collective facilities or apartments provided by the towns, has also led to problems among the refugees. Young, unmarried men in particular often refuse to accept accommodation in remote and poorly equipped reception centers. Residence in a center is not compulsory, but asylum seekers who refuse a center they have been assigned to by SIV, are usually barred from social assistance.

In the context of growing anti foreigner feelings in Sweden a number of surveys have been conducted on the consequences of immigration for the country's economy. The enquiries unanimously confirm that immigration is a "good deal" for Sweden.

source: "Dagens Nyheter",
22.1.92

NEW GOVERNMENT REMOVES "URGENCY MEASURE" DENYING RIGHT OF ASYLUM TO WAR OBJECTORS AND DE FACTO REFUGEES

The Swedish government made true a electoral promise of Folkpartiet (Liberal party, junior partner of the governing center-right coalition) to remove "urgency" provisions introduced in December 89 by the former socialist government denying the right of asylum to refugees rated as "de facto" refugees, i.e. refugees on other grounds than those mentioned by the Geneva Refugee Convention.

The measure, officially justified had led to a drastic rise of the rejection quota by the countries alleged incapacity to cope with ever rising numbers of refugees, had led to a drastic rise of rejections. Various Human Rights and Asylum

organisations had criticized the decree on the grounds that it broke with Swedens humanitarian obligations and led to legal insecurity and summary rejections.

The move by the new government comes as a happy surprise for the Swedish asylum movement. But sceptics point out that the new, more liberal policy risks to be shortlived. Indeed, the government has speeded up harmonization efforts with European asylum policies and has marked its interest for the Schengen process and the Dublin Convention. Once Sweden will have joined such forms of intergovernmental cooperation, the margin for an independant and more generous Swedish asylum policy will be narrow.

source: Fran Riksdag och Departement, 1/92; "SAC-Kontakt" no. 1/92; FARR (Flyktingsgruppernas och Asylkomiteernas Riksradet).

NO WORK PERMIT REQUIRED FOR EC AND EFTA COUNTRY NATIONALS

Nationals from EC and EFTA countries no longer need a work permit in Sweden. The regulation includes their family members, regardless of their nationality. Persons working in Sweden for a maximum of three months need not to apply for residence permit.

source: "Sac-Kontakt", no. 1/92

DATA PROTECTION:

MAROCCAN POLICE HAS ACCES TO PERSONAL DATA FROM THE SWEDISH POPULATION REGISTER

When the Swede Leif Forsgren went through the passport control at an airport in Morocco the border police took his passport and tipped in his name in the police computer. The answer appeared on the screen at once: "member of the

police or armed forces". Whereupon the astonished tourist was meticulously questioned about his professional activities and the reason for his visit to Morocco.

The Moroccan police computer was right: Forsgren is indeed president of the police direction in his home town Mora.

Forsgren is still upset about what could have happened: "What would have happened to me if some incident had taken place in Morocco during my stay?"

Back home he demanded to know how his personal data had landed in the Moroccan police computer. The answer he finally got from the Swedish state's security police, the Säpo, is not of the kind to calm his anxiety. According to Säpo, several computerized personal data registers run by Swedish state administrations have found their way to foreign countries, smuggled out by men of straw who provided themselves with pirat copies. One of the registers, the "State's register of persons and adresses, SPAR, contains detailed information on the civil status, previous changes of the civil status, family members, taxed income, housing standard, among other things of every inhabitant of Sweden. When linked up with other registers of the public administration, there remain few secrets about the private and professional life of the Swedish people.

Sweden looks back on a long tradition of registering and statistically evaluating about every aspect of life of its citizens. And most of these registers are fairly accessible to everybody. Due to the average citizens' profound confidence in their public administration this Swedish version of glasnost (transparency) has never given rise to major protest.

And even Mr. Forsgrens recent

adventure has not led to the scandal it would undoubtedly have created in any other European country.

Såpo sources dryly admit that foreign powers in Western Europe and the former communist countries as well as in South America are believed to dispose of the Swedish data registers. According to these sources it is "highly unsatisfying" that personal data information held by the state is sold to about any substantial client. The public Swedish data inspection office views the news as "troubling". Which it is, indeed.

source: "Dala Demokraten",
11.12.91

NORWEIGIAN "MOSSAD SCANDAL" SPREADS TO SWEDEN

The Swedish government rejected the asylum application of a 31 year old Palestinian who had left Norway vainly hoping thus to escape the Israeli secret service Mossad's investigative activities in Norway (see: "Norway: Israel's secret service Mossad participated in police interviews of asylum seekers", PFE circular letter No.2, November 91).

Once arrived in Sweden, the Palestinian was questioned twice by members of the Norwegian (!) security. The Norwegian security officials were operating in their neighbor country "together or on request of the Israeli secret service Mossad", as the Palestinian's Norwegian and Swedish lawyers put it. The lawyers take it for given that the informations given by the man to Norwegian security or informations on him have been handed out to Mossad.

source: "Dagens Nyheter",
6.11.91

NORWAY

PRISONERS AND LEGAL SECURITY

The Norwegian department of Justice violated the European Convention of Human Rights, a Norwegian court has found.

The state had no right to prevent a prisoner, Stefan Trober, from having access to documents and leading a correspondence in context with his complaint with the European Commission of Human Rights in Strasbourg.

A letter from the Commission had been delivered only **nine months** after its arrival.

The court also criticized that during longer periods Trober had been refused insight in files related to his case. The court therefore found that the Norwegian State through its department of Justice had shown lack of respect for the prisoners correspondence.

The court addresses sharp criticism both to the Justice departments highest directory and to the prison management.

Trober, represented by his lawyer Petter Graver, intends to appeal against the decision in order to obtain reparation by the State. His reparation claim amounts to 100'000 Norwegian crowns. The court has found that Norwegian law did not provide for such a reparation.

Some other complaints of the prisoner related to his confinement in a separate security section of the prison, though drawing critical comments from the court, were not invalidated by its decision.

A historical judgement

According Ole Jakob Bae, defense attorney at the Supreme Court, it is the first time that a Norwegian court has found the Norwegian State guilty of breaching the

European Convention on Human Rights. Mr. Bae is member of the board "Fangesolidaritet-89" (solidarity with prisoners), a foundation which has contributed to bringing Trobers case to justice.

The Norwegian court's considerations will be of importance in case of a complaint of Trober with the European Court of Human Rights.

Apart from this, the rule represents a victory both for Trober personally and for more juridical security in Norwegian prisons.

Kikki Morén

source: Aftenposten, 18.12.91

UNITED KINGDOM

UNHCR SAYS BRITISH ASYLUM BILL VIOLATES GENEVA CONVENTION ON REFUGEES

In a confidential 10-page memorandum addressed to the Home Office (British Interior Ministry) the UNHCR criticizes a series of proposed restrictive regulations aimed at stemming the flow of asylum seekers. The UNHCR's remarks are valuable not only for Britain.

The UN High Commission on Refugees (UNHCR) has condemned Britain and said that it could be breaking international law with its asylum Bill.

Home secretary Kenneth Baker asserts that the Bill merely aims to stem the flow of false refugees.

But Antonio Fortin, deputy director of the UNHCR's London office asserts that two government proposals break safeguards for genuine victims of persecution in the 1951 Geneva Convention on

Refugees.

According to the UNHCR, government plans to reject refugees who arrive in a group violate the UN rule that applications must be assessed individually and on their merit. And the Bill's proposal to allow refugees to be deported back to their countries where they face persecution could also be illegal. The Convention requires that they should be entitled to a proper appeal. Furthermore, Britains secretive system for foreigners branded as national security risks, which denies applicants a lawyer, does not comply with the Convention's standards.

Britain is a signatory of the Geneva Convention and thus legally bound to it.

The Home office said it would consider changing its rules, if necessary, but said it believed, the Bill complied with the Convention.

However, the 10-page memorandum of the UNHCR labels some of the Bill's criteria for deciding who is a genuine refugee as "arbitrary" and "unfortunate".

"The impression conveyed (by the new rules) is one of bias against asylum seekers", it says.

Home secretary Baker has said that an asylum seeker's claim to be a refugee will be adversely affected if he does not submit his application the moment he arrives. The UNHCR replies that the rule is illogical. A refugee may have "very good reasons" for not applying for asylum immediately, it said. He may be frightened or scared of officials.

It quotes the example of a refugee who has permission to stay in Britain for three years as a student, saying that "there is no reason why he should submit a formal asylum application". If he were to claim

asylum later, as a last resort, failure to go to the Home office at the moment of arrival at Heathrow "cannot possibly be interpreted as an indication that he is not a genuine refugee".

Regulations in the Bill also make it possible to reject asylum seekers who make false statements or conceal facts. But the UNHCR states that apparent inconsistencies or muddled statements are inevitable, given language problems and refugees' fear of officialdom. They are also under great stress and in poor psychological condition.

source: "The Independent",
14.12.91

BRITAIN TO WITHDRAW FROM GENEVA CONVENTION ON REFUGEES?

A memo leaked in September 91 reveals proposals from Minister Michael Heseltine and David Mellor to a secret ministerial meeting on asylum that Britain withdraw altogether from the 1951 Geneva Convention on Refugees which 103 countries have signed. Heseltine's justification for this dramatic suggestion was "the pressure on housing" created by the refugees.

In his memo the Foreign Minister suggests as an alternative solution, to send all asylum seekers back to "international camps" or "safe havens" in their countries of origin, in which claims could be assessed.

source: "Statewatch" No.5,
November/December 91

BRITISH POLICE TO EXPAND COMPUTER BASE

The Home Secretary has unveiled the new police national computer PNC2 and has announced plans to expand the scope of computerized intelligence gathering in the United

Kingdom. The move is criticized by civil liberties groups.

PNC2 will allow all police forces to have immediate access to a data base of about 5 million criminal names, 40 million vehicle owners, 135'000 wanted or missing people, and 450'000 missing vehicles.

People who are HIV positive on the criminal lists will have warnings with their names, as do potential escapers.

The Royal Ulster Constabulary is joining the network for the first time.

About 125'000 transactions a day can be performed on the computer, with an average response time of 2.5 seconds. The system, with hardware supplied by Siemens Nixdorf, and data solution supplied by Software AG, cost £20 million.

Individual police forces are charged for use depending on their size.

Home secretary Baker hopes to see full computerization of national criminal records, a computer application for the new National Criminal Intelligence Unit to assist in dealing with serious crime, and a national system employing automatic fingerprint technology.

According to a Home office spokesman, it is not yet possible to say whether PNC2 will be compatible with European intelligence systems, as those have not yet been developed fully.

Liberty (formerly the National Council for Civil Liberties) has reservations about computerizing records.

According to Madeleine Colvin, a Liberty spokeswoman "there are no criteria for what information you are entitled to hold on the computer", no

statutes have authorized it and the Data Protection Act is "totally inadequate" to deal with the new information being stored.

According to Liberty, there are 1160 listings on the computer's "extremist crime index".

source: "The Guardian",
18.12.91

NO NEED FOR IDENTITY CARDS IN BRITAIN

The Home secretary has denied reports in the "Daily Mail" that he is calling for identity cards to be introduced in 1994 as a protection against the supposed threat of waves of immigrants from Eastern Europe.

At present, only 3% of those claiming political asylum in Britain are from Eastern Europe. Moreover, Britain specifically refused to be drawn into plans of other EC countries to use identity cards as a substitute for the removal of immigration checks on borders.

Home secretary Kenneth Baker does however not exclude the introduction of identity cards in the future, "if this should prove to be necessary".

The Home secretary takes the view that with credit cards and driving licences, the introduction of identity cards would not be such a big step as it would have been 20 years ago. "There is much less hesitancy by people asked to identify themselves. So there is a voluntary system of identity building up".

source: "The Independent",
28.12.91

PROLONGED DETENTION FOR PRISONERS ON REMAND IN BRITAIN?

The British government has laid draft orders before the

parliament to give powers, under the Criminal Justice Act 1988, to all courts in England and Wales to remand defendants in custody for up to 28 days at a time.

At the present, remands in custody from Magistrates Courts have been restricted to 8 days, providing the safeguard that the authorities were required to physically produce a defendant in court at weekly intervals. The position was first eroded in the Criminal Justice Act 1982 which allowed, that so long a defendant was legally represented and positively waived his right to a hearing, they need not to appear in court in person for up to 28 days.

The new Orders will now allow Magistrates to impose full 28 days remand in custody on defendants, against their will and regardless of whether they are legally represented, so long as they are over 17 years of age.

The Chairman of the Prison Reform Trust has criticized the proposed regulations. He states that, when the system of 28 days remand was first proposed in 1989, "concern was expressed that this might lead to an even larger prison remand population. The experiment that has now taken place (in which the 28 days remand were tested by 4 courts) confirms that this risk is serious. In the courts concerned, average periods of remand did frequently increase".

source: "Statewatch" No.5, November/December 199

LIST OF RECENT PUBLICATIONS

MOREN, Kikki, "Den europeiske festning"? - asylpolitikk og politisamarbeid mot 1992; autumn 91, Institute for sociology of law, Oslo university, St.Olavsgt.29, N-0166 Oslo 1. This dissertation

in norwegian offers an excellent critical survey on the subject: The development of European refugee policies, the background of the harmonization of asylum policies, the Schengen treaty, the Dublin Convention, the group of coordinators, the increasing police cooperation and its backgrounds, the role of police data banks and their effects on civil liberties, the increase of preventive "crime control" conceptions in police cooperation, centralized information - centralized power, invisible surveillance, legal security versus "state security", TREVI: from the combat against terrorism to the combat against immigration, policymaking behind closed doors...

More than just an academical dissertation the book is an easy to read and inspiring essay that deserves to be spread widely among Scandinavians eager to know more about Europe.

CALOZ-TSCHOPP, Marie-Claire, La "communauté politique" européenne et les groupes "intergouvernementaux", Fragments d'une logique d'action et de pensée à l'oeuvre dans l'édification de nouvelles frontières européennes; Revue suisse de sociologie, 1 (1991) p.49-80.

An Essay on the problematic and contradictions of "one" European "political community" and police institutions based on secret intergovernmental cooperation.

ASYLKOORDINATION
SCHWEIZ, Freizügigkeit im
Personenverkehr und
Grundrechte in Europa,
Octobre 91; BODS, Postfach
8553, CH-3001 Bern.

Position paper of the Swiss asylum movement on a report of a commission of experts of the Swiss Federal Dept. of Justice and Police on "control of persons at the border". The

paper also contains a program of propositions for a new "universalist" approach of the issues of asylum and migration. Healthy reading for anybody who has lost his capacity to imagine creative alternatives to the "fortress" ideology.

ON THE RECORD, quarterly bulletin, editors: T.Thomas, B.Hebenton, Dept. of Social Studies, Leeds Polytechnic, Caverley Street, Leeds LS1 3HE, U.K.

"On the record" is a cuttings list of questions asked and answers given on policing matters in the British Houses of Parliament.